

EXHIBIT 12

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FULL CIRCLE UNITED, LLC,)
Plaintiff;)
-v-)
BAY TEK ENTERTAINMENT, INC.,)
Defendant.) Civil Action No.
1:20-cv-03395
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FULL CIRCLE UNITED, LLC,)
Counterclaim Plaintiff;)
-v-)
BAY TEK ENTERTAINMENT, INC.,)
Counterclaim Defendant;)
-and-)
ERIC PAVONY,)
Additional Counterclaim)
Defendant.)

The Video-Recorded Deposition of RICK ROCHETTI,
having been called by the Plaintiff for examination,
taken pursuant to the applicable Federal Rules of
Civil Procedure, conducted via Zoom videoconference,
and commencing at the hour of 9:36 a.m. on the 13th
day of May, 2022.

Reported By Beth Radtke, RPR, CRR
License No. 084-004561
Legal Videographer: Mike Gurlides

1 A. Yes.

2 Q. Where did you attend college?

3 A. Southern Illinois University, Carbondale.

4 Q. What did you study in college?

5 A. I was a health education major.

6 Q. And are you aware of why we're here today,
7 Mr. Rochetti?

8 A. Yes.

9 Q. Can you share with me, please, your
10 understanding of why we're here?

11 A. There is a lawsuit between Bay Tek and Full
12 Circle.

13 Q. And as I understand it, you have been an
14 employee of Bay Tek at some point, right?

15 A. Yes.

16 MS. NGUYEN: Object to form.

17 BY MS. CASADONTE:

18 Q. And when did you commence your employment at
19 Bay Tek?

20 A. When did I start?

21 Q. Yeah, when did you start?

22 A. May, I believe, 2008.

23 Q. Do you recall your responsibilities and
24 duties when you began working at Bay Tek?

1 A. Yes.

2 MS. NGUYEN: Object to form.

3 BY MS. CASADONTE:

4 Q. Can you share them, please?

5 A. I was hired on as the director of sales and
6 marketing.

7 Q. Prior to being employed as director of sales
8 and marketing at Bay Tek, were you employed?

9 A. Yes.

10 Q. Where were you employed?

11 A. Sega of America.

12 Q. What is Sater [sic] America? Can you spell
13 that, please?

14 A. S-E-G-A, Sega of America.

15 Q. I should state, I do have some trouble
16 hearing, so if I ask you to repeat yourself, it's
17 just because of that.

18 A. Okay.

19 Q. And what was your job at Sega America?

20 A. I was the president.

21 Q. The president of what exactly?

22 A. President of the company.

23 Q. Where was the company located?

24 A. Elk Grove Village, Illinois.

1 litigation.

2 MS. CASADONTE: Okay.

3 MS. NGUYEN: And that's on the record.

4 MS. CASADONTE: Okay, that's it.

5 No further questions at this time, subject
6 to our -- the caveat previously expressed about
7 continuing the deposition in the event that the
8 privilege determination results in the production of
9 documents that require additional examination.

10 No further questions at this time.

11 MR. MOVIT: As you know, we oppose that.

12 Mr. Rochetti, are you ready to go forward
13 with this quick final examination? I don't know if I
14 can get through before I have to pick up my family.
15 I'm really going to try.

16 EXAMINATION

17 BY MR. MOVIT:

18 Q. Mr. Rochetti, you testified to a
19 conversation earlier with George Petro, correct?
20 Where George Petro called you. Do you remember that?

21 A. Yes.

22 Q. And Mr. Petro mentioned Full Circle in that
23 conversation, correct?

24 A. Yes.

1 Q. Did you ever have any other conversations
2 with George Petro about Full Circle?

3 A. No.

4 Q. Did you ever have any other types of
5 communications whatsoever with George Petro about
6 Full Circle?

7 A. No.

8 Q. Okay. Did you ever have any communications
9 with anyone other than George Petro at Play Mechanix
10 or Raw Thrills regarding Full Circle?

11 A. No.

12 Q. Okay. Did you, at any time, ever make any
13 threats to anyone regarding Full Circle?

14 A. No.

15 MR. MOVIT: Okay. Elaine, could you please
16 -- oh, Christina, could you please put up the
17 declaration?

18 MS. NGUYEN: I think that was marked as
19 Exhibit 4. Thank you, Christina.

20 MS. CASADONTE: I wish I could do it faster
21 for you, Jeff.

22 Can you see it?

23 MR. MOVIT: Yes, thank you. If you could
24 please scroll down, Christina. More, please.

1 A. That is correct.

2 Q. Okay. When you -- do you recall we were
3 talking about the time when George Petro called you
4 and said, in sum and substance, that his company
5 would not be working with Full Circle?

6 Do you recall that?

7 A. Yes.

8 Q. Did you say anything substantive on that
9 call, or did you just basically listen to what he had
10 to say?

11 A. Basically listened to what he had to say.

12 MR. MOVIT: Elaine, are we done?

13 MS. CASADONTE: I have a follow-up question.

14 MR. MOVIT: Well, I didn't say you weren't
15 allowed, I was asking Elaine if we were done.

16 MS. NGUYEN: Yes.

17 MR. MOVIT: Okay. We reserve the right to
18 re-redirect.

19 MS. CASADONTE: Sure. Always reserving
20 rights. Just one question initially.

21 FURTHER EXAMINATION

22 BY MS. CASADONTE:

23 Q. You said that you just listened to George
24 Petro when he called you, right? The phone call

1 where you said George Petro, that he wasn't going to
2 do business with Full Circle?

3 A. Yeah.

4 Q. You just testified that you didn't do any
5 substantive speaking, you just listened to what
6 George Petro said during that call?

7 MR. MOVIT: Misstates testimony. Objection.

8 BY MS. CASADONTE:

9 Q. Did I misunderstand your testimony? You
10 said you just listened to what he said, right?

11 A. Yes.

12 Q. Did he say anything else other than that he
13 wasn't going to be doing business with Full Circle?

14 A. No.

15 Q. So you didn't listen -- so there was nothing
16 else to listen to during that call, other than that
17 he wasn't going to be doing business with Full
18 Circle?

19 A. That was -- that's what he said.

20 MS. CASADONTE: That's it.

21 MR. MOVIT: Is that it, Christina?

22 MS. CASADONTE: Mm-hmm.

23 MR. MOVIT: Okay, we have nothing else.

24 Everyone reserves all rights.

1 CERTIFICATE OF

2 CERTIFIED SHORTHAND REPORTER

3 I, Beth Radtke, a Certified Shorthand
4 Reporter of the State of Illinois, CSR License No.
5 084-004561, do hereby certify:

6 That previous to the commencement of the
7 examination of the aforesaid witness, the witness
8 was duly sworn by me to testify the whole truth
9 concerning the matters herein;

10 That the foregoing deposition transcript was
11 stenographically reported by me and was thereafter
12 reduced to typewriting under my personal direction
13 and constitutes a true and accurate record of the
14 testimony given and the proceedings had at the
15 aforesaid deposition;

16 That I am not a relative or employee or attorney
17 or counsel for any of the parties herein, nor am I
18 interested directly or indirectly in the outcome of
19 this action.

20 IN WITNESS WHEREOF, I do hereunto set my hand at
21 Chicago, Illinois, this 31st



22
23 _____
Beth Radtke, RPR, CRR

24 License No. 084-004561